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MAR 05 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nicolas J. Hammond

Serial No. 09/592,404

Filed: June 13, 2000

For: METHOD AND APPARATUS FOR
AUDITING NETWORK SECURITY

Examiner: Christian Laforgia

Art Unit: 2131

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT AND RESET A PERIOD
OF REPLY DUE TO FAILURE TO RECEIVE AN OFFICE ACTION PURSUANT TO 37
C.F.R. § 1.181(a) and M.P.E.P. § 710.06(I)**

Attention: James Dwyer, Director
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Refund Total: \$400.00

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Sir:

Pursuant to M.P.E.P. § 1002.02(c), it is the Applicant's understanding that a Petition to Withdraw a Holding of Abandonment pursuant to 37 C.F.R. § 1.181(a) and M.P.E.P. §§ 711.03 and 711.03(c) is decided by the Technology Center Directors. Therefore, this petition is addressed to Director of Technology Center 2130, James Dwyer.

The above-referenced patent application went abandoned on January 26, 2007 for failure to timely file a proper response to a Notice of Non-Compliant Amendment mailed on July 26, 2006. The Notice of Abandonment is attached hereto as Exhibit A and the Notice of Non-Compliant Amendment is attached hereto as Exhibit B.

The Applicant named in the patent application identified above hereby Petitions to Withdraw the Holding of Abandonment made by the Examiner and reset the period for reply to the Notice of Non-Compliant Amendment pursuant to M.P.E.P. § 710.06(I).

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 20231, Attention: Director of Technology Center 2130, James Dwyer, Facsimile No. 571-273-8300, on March 5, 2007.

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James M. Hannon, Reg. No. 48,565

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03/05/2007 TL0111 00000083 09592404
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400.00 DP

Application No. 09/592,404

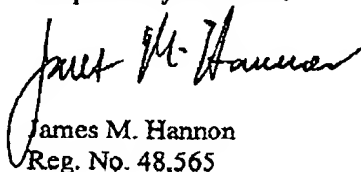
Notice of Non-Compliant Amendment does not include a "Received" stamp because it was not mailed from the U.S.P.T.O.

As required under M.P.E.P. § 710.06(I) this petition is being mailed within 2 weeks of the date of receipt of the Notice of Abandonment (received on February 26, 2007) because neither the Applicant nor the firm of the undersigned ever received the Notice of Non-Compliant Amendment for which the Applicant is petitioning to have the period for reply reset. At the time of receiving the Notice of Abandonment, the entire portion of the reply period, 30 days, and all opportunities for extension had elapsed for the Notice of Non-Compliant Amendment. Furthermore, the mailing of Notice of Non-Compliant Amendment to the wrong address was an error on the part of the Patent Office.

In view of the above, the Applicant respectfully requests reconsideration and withdrawal of the holding of abandonment and a resetting of the period for reply to the Notice of Non-Compliant Amendment under M.P.E.P. § 710.06(I).

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any formalities that can be corrected by an Examiner's amendment, please contact the undersigned in the Atlanta Metropolitan area at 404-572-4691.

Respectfully submitted



James M. Hannon
Reg. No. 48,565

King & Spalding LLP
34th Floor
1180 Peachtree Street
Atlanta, Georgia 30309
404.572.4600
K&S Docket: 05456.105045

PTO/SB/17p (09-06)

Approved for use through 03/31/2007. OMB 0661-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision) Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450	Application Number	09/582,404
	Filing Date	June 13, 2000
	First Named Inventor	Nicolas J. Hammond
	Art Unit	2131
	Examiner Name	Christian Laforgia
	Attorney Docket Number	05456.105045

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Enclosed is a petition filed under 37 CFR 1.181(a) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400 is enclosed.
 This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 11-0980:

☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.
Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.162 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.265 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.656 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.45 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.18(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.136(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

James M. Hammond
 Signature
James M. Hamon
 Typed or printed name

March 5, 2007
 Date
48,565
 Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND					
1 Date of Request: 06/01/07		2 Serial/Patent # 09/592,404			
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT	
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	Amendment			\$	
	Extension of Time			\$	
	Notice of Appeal/Appeal			\$	
X	Petition	IFW	03/05/07	\$ 400.00	
	Issue			\$	
	Cert of Correction/Terminal Disc.			\$	
	Maintenance			\$	
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10 REASON:			Treasury Check		
	Overpayment	X	Credit Deposit A/C #:		
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X	No Fee Due (Explanation):				
PETITION GRANTED UNDER 37 CFR 1.181					
11 REFUND REQUESTED BY:					
TYPED/PRINTED NAME: Patricia Faison-Ball		TITLE: Attorney			
SIGNATURE: <i>Patricia Faison-Ball</i>		PHONE: 2-3212			
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APPROVED: <i>CKhlok</i>		DATE: 6/1/07			

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: